CARNEGIE INTERNATIONAL NONPROLIFERATION CONFERENCE

ENFORCING A WORLD WITHOUT NUCLEAR WEAPONS

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STEVEN MILLER: Ladies and gentlemen, welcome to this panel and the second session of today's portion of the Carnegie meeting. We don't have the advantage of one of those cozier but crowded rooms upstairs. But we do at least have a seat for everybody, which certainly wasn't the case in the panel I attended earlier this morning. This is a panel about enforcement, particularly enforcement with an eye to a future in which there might be few or no nuclear weapons.

And so we are starting off with the basic presumption about the way human beings behave, that as a general preposition, humans cheat – not everyone, and not always, but commonly enough that the prospect of cheating – the possibility of cheating shadows many domains of human interaction. And this means that when agreements are reached, there is always a worry about compliance – always a concern that the other guy may not live up to the terms of an agreement – fear that the terms of an agreement will be violated.

In our domestic affairs, we have contracts and a legal system meant to adjudicate and enforce them. It's all about dealing with the problem of cheating. In the international realm, we have, in every treaty context, a concern about compliance. And this is certainly true about the domain that we all work in – in arms control and proliferation. But it's equally true if you look in international trade or other areas where agreements are reached. There are always worries about monitoring compliance and struggles about what to do if compliance is not forthcoming.

And in our domain of arms control, the whole question of compliance has been central to the history of our subject. We've had huge controversies over verification, which really has to do with can cheating be detected. We've had huge controversies over compliance – that is to say, are they cheating? And we have had at least some protracted controversies over the question of if they are cheating, what can and should be done about it.

And in recent decades we've seen in the cases of North Korea and Iraq and Iran protracted struggles over the question of how can an agreement be enforced once there is evidence or indication that one of the parties is violating its obligations under the terms of the agreement? Now, to a surprising degree over the history of arms control, there has been tolerance for cheating. That is to say, one reaction to the problem of cheating is not to do very much.

If you think back to the '80s and the Reagan administration, there were allegations from the administration itself that the Soviet Union was cheating on just about every arms control agreement imaginable while simultaneously urging the negotiation of further such agreements. So it's not always the case that cheating produces a strong, vigorous reaction. But of course, in some contexts, particularly when there are already large numbers of nuclear weapons in play, what might be called strategically inconsequential cheating may elicit minor responses.

What we've seen with more alleged cheating in recent years is much more earnest efforts to find an effective enforcement reaction. But the theme of this panel is that we are possibly heading to a world of many fewer or even no nuclear weapons. And in such a world, there will be both a need for very high levels of transparency and we would expect much lower tolerance for cheating. And indeed the charter for our panel, which was sent to our panelists, says: "States will not abolish nuclear weapons if they are not highly confident that everyone will comply with key disarmament agreements and nonproliferation rules."

I would say that word "highly" is quite significant. Reliable, robust enforcement of compliance will be vital. Reliable, robust enforcement – that category may be a null set today. But perhaps in the future we'll do better. And so here are the questions before us. Do recent compliance and enforcement experiences tell us anything about the future and what are the gaps between what's needed for enforcement and what the international community is now prepared to do.

And in order to respond to these questions, we have a very distinguished international panel. They have longer bios in your program, so I'm not going to spend a lot of time introducing them. Speaking first will be Ambassador Richard Butler from Australia. He's currently a Global Diplomat in residence at NYU, and Distinguished Scholar for International Peace and Security at Penn State University, after many years of a whole series of amazingly interesting posts, including head of UNSCOM and Chair of the Canberra Commission on the Elimination of Nuclear Weapons and various other interesting posts that are relevant to our concern.

Second will be Martin Briens, from the French ministry of foreign affairs, where for the last couple of years he has been director of the Nonproliferation and Disarmament Division. And finally, our old friend Alexei Arbatov, who is head of the Center for International Security at the Russian Academy of Sciences and involved in more things than I have time to recount here, as well as being politically active in Russian domestic politics as the vice chairman of the Yabloko Party and a former long-time member of the Russian parliament.

So without further ado, I turn over the floor to Ambassador Butler.

RICHARD BUTLER: Thank you very much. We've been given an extremely short time in which to address what I consider to be one of the most important subjects on the agenda of seeking a world without nuclear weapons. So I'll get straight to the point. What we will need in such a world is a very, very effective system of verification of compliance with whatever instruments have been adopted to bring that world into existence and, a reliable system of enforcement against those who may have decided to defy or cheat upon the system.

Now, actually, that's what we're supposed to have now under NPT and under the regime of IAEA and its safeguards system and the process of referral of incidents of noncompliance from the Board of Governors of IAEA to the United Nations Security Council. That's what we have now, in theory. And this means two things, now, and two things in the future.

There must be a level of technical competence and objectivity in the verification system in which all can believe. If that competence and objectivity – and we've seen distressing examples recently of lack of objectivity, particularly in the case of Iraq – if people cannot believe that the reports that are being presented with respect to compliance or noncompliance are not themselves technically competent and objective, then they will lack credibility. We can't afford for that to be the case.

But, almost as important as this need – some would say more important – is the existence of the political will to act upon any repots of noncompliance. And sadly, ladies and gentlemen, I think this is the area in which we are incredibly deficient, have proven to be deficient, possibly will prove to be deficient at the Security Council in New York. This is the part we need to change.

Today's system, as I've already said, is essentially based on the International Atomic Energy Agency's safeguards and inspections system. And I'm not sure that there would need to be a very

great change in that in the future, other than to give the Agency much more money and a much stronger ability to carry out the task. It is stunning to me in my 30-odd years of experience of the U.N. and it's family of Organizations that this one, the one I consider to be possibly the most efficient of all, is as poorly as funded as it is.

It needs more support; it needs more money; and I'm sure in a world that President Obama has described and set out for us, that may very well prove to be the case. But I don't in principle see particularly why the IAEA safeguard system and procedures of inspection and verification should change, other than to be enhanced. But, what I do see is a profound need for change in the enforcement mechanism, which is essentially based upon the U.N. Security Council.

The U.N. Security Council is out of date. It's deeply flawed and it essentially doesn't work. It did work with respect to the consideration in 2003 of enforcement of Iraq's obligations in the sense that the majority of the council – including a couple of permanent members said that Iraq should not be invaded. They did their job properly, but they did not and were not able to prevent the illegal invasion of Iraq by, principally by the United States and the United Kingdom.

And, what that highlights is the continuation of a Security Council dominated by a particular five, all of whom individually have a veto, will be inadequate, will not be able to do the task that we need it to do in the future, on the assumption that it might receive objective reports saying that a State or a non-state actor, but in particular a State, is not in compliance with the arrangements we've made for a world without nuclear weapons. The possibility that that council with those permanent five and those vetoes would actually exercise the political will required to take clear and effective action on a report of noncompliance is, I think, extremely small.

And may I say, as an aside, I speak to you in these terms as a survivor of UNSCOM, Baghdad and, the Security Council with which I dealt on a daily basis during the crisis with Iraq in 1998 and '99. I was also present in the Council – and I don't wish to be beastly to China – but I was present in the council when China vetoed the sending of 200 police offers to Port-au-Prince in Haiti.

Has anyone here been to Haiti? I've been there and thought of it as something like Dante's Inferno, something like hell on earth. It is a desperately poor and troubled place. And there was a proposal that 200 police officers be sent to Haiti to help them keep law and order in Port-au-Prince. China vetoed it because in the prior week, a Taiwanese trade delegation had visited Haiti. That's an abuse of the veto that is intolerable. It was never intended by the founders of the U.N. in San Francisco and it's something that has repeatedly characterized the work of the council in the past 50 years.

We could not tolerate and should not tolerate such behavior in a world that we are framing to be without nuclear weapons. So we need to design a system for enforcement that will work. And the only way I think we can do that is by either a full-scale reform of the Security Council, which means: its constituency, those who make it up; its decision-making methodology, that is, whether or not there should be vetoes – and I suspect there should not be; or whatever other means the world is prepared to accept to make a modern and effective Council, one prepared to act on objectively-crafted reports of violations of a world without nuclear weapons.

Another alternative – and I have proposed this in my book – "Fatal Choice," which is now out of date. I think you can get it on Amazon – I don't know where else it can be obtained, but I

propose in chapter six of my book, written about five years ago, that what we might instead have is a Council on Weapons of Mass Destruction. And I'll take these remaining minutes to put it to you.

Why did I propose that? Two reasons: One, having sat for five years, as Australian Ambassador to the U.N., on the committee on reform of the Security Council and become crucially aware of how difficult that will be, of how relentlessly selfish the permanent five are and refuse to see any diminution of their privilege, it seemed to me that we should let them keep it.

Let them have their politics as usual where they where they cast vetoes of the kind that I just described that I saw China cast a few years ago. Let them continue to have their politics as usual. But let us try to create another body parallel to the Security Council, a Council on Weapons of Mass Destruction, but in particular nuclear weapons, in which there would not be vetoes, and through which we would hive- off the issue of a world without nuclear weapons. Take it away from politics as usual.

Let us create a Council that receives the objective reports from IAEA or maybe the Chemical Weapons Convention as well, receives the objective reports and considers them without the threat of a veto. I don't know how many members this would be, the size of the Board of Governors of the IAEA, for example. But made up of relevant countries with a commitment, aside from politics as usual, to implement the treaties preventing the possession of nuclear weapons. No vetoes, –but majority or two-thirds majority decisions to bring about implementation of what I think we all want. And I put it to you seriously that this might have a possibility of working where reform of the current privileges and arrangements of the Security Council may not.

The last thing I want to say about this – and I hope that we can enter into discussion about it – is on timing. This consideration of how we can get around the dinosaur of the Security Council created in 1945, and how we can treat the problem of nuclear weapons with the specialty that they deserve, this consideration should start now.

It should be part of President Obama's global conference next year. We should start to build the enforcement mechanism we need even before one nuclear weapon has been removed. Why? Why should it start now? For two reasons – one is that no one will participate seriously in the removal of nuclear weapons unless they have this. And indeed, why should they? No one will do it, especially countries such as India. Why should they give up their nuclear weapons while they continue to be in the B-team? Why shouldn't they have a seat at the top table, the top table being the table at which – through which – we maintain a world without nuclear weapons?

We need to start to build this now. It won't be easy. The negotiations will be difficult. People will be very unhappy about their being no vetoes, for example. But unless we have an instrument that is truly effective to enforce a world without nuclear weapons, it won't come into existence.

So in addition, my second point is that I believe that the prospect of designing a whole new global system of management of what is called in the Charter the "maintenance of international peace and security", would itself serve as an incentive for states to take part in what we are then building.

So that's my point. We will need an enforcement mechanism different from what we have today. The verification and reporting mechanism, it seems to me, is fine. It just needs to be bigger

and stronger. And that new mechanism of enforcement, if the Security Council won't do it, has to be a new Council, a new instrument without vetoes, to ensure that this special subject can be treated objectively outside of politics as usual. And we should start to build it now, in advance, because that's what States will want to know that they can be a part of . And that will be an incentive for them to take part. Thank you.

(Applause.)

MARTIN BRIENS: Nobody really pays attention to it, but we are supposed to live in theory in a world free of chemical weapons and also in a world free of bioweapons. But reality is that those norms, which are very widely supported, are not properly enforced. There are still doubts about programs of concern in some signatory states. And there remains as well many non-signatories and also some key enforcement instruments such as, for example, challenge inspections in the CWC are not used at all. So it's not very encouraging.

Of course, it should not be a pretext for inaction on the path toward nuclear disarmament. But it highlights a key issue for the process of disarmament to succeed: enforcement. I think this issue about enforcement boils down to two issues, which are linked and not separated. The first one is enforcement of a world free of nuclear weapons, which means finding ways to deter and punish possible cheaters and also to prevent any return of nuclear weapons. But a second one is – the second issue, which is very much linked to the previous one, is enforcement in a nuclear weapons-free world, which means how do you ensure peace and security in such a world?

There are many calls these days in favor of a nuclear weapons-free world. And it's perfectly understandable. But the question is, is this the ultimate goal or is the ultimate goal to have a safer world, which would allow for the elimination of all nuclear weapons while guaranteeing peace and stability? I am asking this question because I would say, a bit in a provocative way, we saw twice in 1914 and in 1939 what happens in what was then de facto a nuclear-free world where we had no robust collective security mechanism and, at the same time, major power competition. And of course, this is not a future we want to see.

So I will first say a word about what would be needed, in my view, in terms of enforcement to achieve those two goals – enforcement of a nuclear-free world and also ensuring peace and security in this world. And second, address briefly the changes it might require not only among nations but also within nations. And third, look at what our experience with dealing with current proliferation crisis can teach us about all this.

So first, it's obvious that a world without nuclear weapons is a world in which there would be an extraordinary premium for cheaters, extraordinary benefits. And to be deterred from doing so, they would have also to face extraordinary risks. And enforcement mechanism would need to achieve two things. First, deter renegade to go further and to actually acquire nuclear weapons and second reassure others so that they don't hedge and don't also get ready for developing nuclear weapons.

So how would it look like? First, as Ambassador Butler said, it should be based on a credible verification mechanism, which would mean unprecedented levels of transparency and intrusiveness. Second, it would need a swift and effective decision-making process. So should it be the UNSC? Should it be something else? I don't know. But it is true also that if you think about it, probably

veto rights would have to be limited. The third characteristic is that it would require teeth, that is effective capabilities to coerce renegades including through robust sanctions and possibly – unfortunately – the use of force. And this could be done either through an international force or through the use of national forces.

But we would have then a large number of very delicate issues to deal with. First, one of the lessons of today's proliferation crisis is that there are always competing priorities when dealing with nonproliferation cases. Inaction can be motivated by economic interests, risks of instability, or political concerns. So the key issue, as underlined by Ambassador Butler, is the issue of political will. Of course, one could imagine that preventing an unraveling of a nuclear-weapons ban would be the highest priority. But the situation could be quite different if the renegade were to be a major power, because other concerns such as the consequences of severing economic ties with this power or worse, a major conventional war, of course, would be taken into account.

The second very delicate issues is, basically, what about military intervention and the use of force in such a world? There are basically two ways, usually, to guarantee peace and security – balance of power or collective security. And they might not be compatible. Balance of power would mean that in a nuclear-free world, probably it would be a conventional balance of powers. States which were protected by nuclear deterrence would probably want to catch up with their potential adversaries. And so it could lead to some form of conventional arms race. The problem is that it could be destabilizing on one hand, and on the other hand, go against the other instrument we could have, that is collective security instruments to enforce a nuclear weapons-free world.

The other possibility is through the establishment of an effective collective security mechanism in which, as I mentioned before, an international authority would have truly powerful means to enforce international rules.

So there is a bit of a dilemma there, because if we don't complement the elimination of nuclear weapons with credible conventional disarmament, it might lead to a scenario of destabilizing balance of power arms race. And if we do put in place a collective security mechanism, it would mean that states not only would have to renounce nuclear weapons but also fundamentally the use of force to settle international disputes. And that would also accept international military intervention, even if it is not in their national interest. And this is true not only to enforce the world free of nuclear weapons but also for all the other reasons for conflicts in tomorrow's world, whether it is conflicts on natural resources or human right crises, et cetera. So this is the extent of the problem.

Now, there is also another issue, which is that not only this nuclear weapons-free world would require a dramatic change in international relations but also probably very radical changes within nations. On this, my first point is that there is a kind of fundamental asymmetry in disarmament depending on political regimes. In liberal democracies, cheating is more difficult because you will find always whistleblowers or journalists or maybe members of trade unions to denounce clandestine activities. We tend, in our countries, to mean and to do what we say. Well, it might not always be the case in other kind of political regimes. So the question is, how would it play in a nuclear weapons-free world?

The second issue is that effective verification, as I said, would also request an unparalleled level of intrusiveness and transparency, which might be difficult to accept under some political

regimes. And third, enforcement through an effective collective security mechanism would require also accepting limitations on sovereignty. We, in the EU, this is something we have learned to live with because that's what we do. We have delegated some elements of sovereignty to the EU level. But in other cases, in other countries, limiting sovereignty might not be acceptable, at least at this point.

My third point is what lessons can we draw from current proliferation crises, that is mostly Iran and North Korea? Here we have two countries, which are in open defiance of the UNSC and the IAEA with so far little cost for them. And we have also some players in the international community, which do not seem yet to be prepared to take meaningful action to push those countries to a choice between cooperation and isolation. And there may be many reasons for it, whether they are free riders waiting for the others to take care of the issue or whether they have economic interests that they are not prepared to sacrifice or just that they lack a sense of urgency. But the reality is today we are probably not doing as the international community as much as we should do.

The Iranian case is particularly interesting because Iran is in breach of five U.N. resolutions, nine IAEA board resolutions. And still, faced with this open defiance, the international community has in the past six years reacted very slowly and in a very limited manner. But for people who are very sincere about pushing this objective of a world free of nuclear weapons, Iran of course is a matter of concern on two accounts. If Iran were to get a nuclear military capability, it would make this prospect even more remote because of the cascade of proliferation it would generate, especially in the region. And second, our failure to prevent it through multilateral action not only would have consequences for regional security and the nonproliferation regime but also for the international system as a whole.

In a way, the Iranian nuclear issue is a test case for collective security, both for the authority and effectiveness of international institutions such as the UNSC and the IAEA, but also for the ability of major powers to cooperate, to address major security threats. So we have to do it right.

Just to conclude briefly, it would be truly a very different world, which would allow for the complete elimination of nuclear weapons. But don't misunderstand me. This is not a pretext for inaction at all. But while we pursue our efforts on the disarmament path – and there are lots of concrete things that can be done. For example, the European Union has presented some proposals to the UNGA last year about this. So while we pursue our efforts on the disarmament path, we have to work in parallel also on a much broader agenda in order to make collective security a reality.

First, finding satisfactory solutions to the Iranian and North Korean issues – and on this, we must show no complacency. Second, progressing in all the other fields of disarmament – again, I've mentioned chemical and biological weapons. But there are also some conventional issues that need to be dealt with. And third, strengthening the authority of the Security Council and other relevant international institutions such as the IAEA, because at the end of the day it's through effective multilateralism that we might create the conditions for the elimination of nuclear weapons. Thank you.

(Applause.)

ALEXEI ARBATOV: It's a great privilege to participate in this conference. And I wanted to say – to add to what Steve said about my affiliations that one that I appreciate very much is being in Moscow Carnegie Center and running nonproliferation project there.

Yesterday, we heard and saw a very inspiring speech by President Obama, which actually launched the spirit or created a very good spirit for this conference. I liked that speech very much. I have only one reservation about it. In the list of cities that might be targets for terrorists, on the American side, it was New York and on Russian side it was Moscow. I suggest to make it more balanced that on the Russian side it is not Moscow, but St. Petersburg. (Laughter.)

Otherwise, when talking about the non-nuclear world and the requirements of disarmament, we should distinguish between two basic categories of states. One, nuclear-weapons states that allegedly will become denuclearized. And the other category, non-nuclear weapons states, which will have to abide by the terms of nonproliferation regime. If I have time, I will talk in the end a little bit about nuclear weapons, but let me start with non-nuclear-weapon states for which nonproliferation regime is the principal framework within which enforcement is to be contemplated.

The requirements of enforcement in non-nuclear world or world free of nuclear weapons are not very clear because several features of that non-nuclear world are not clear now. First of all, how the international system will be arranged – certainly, it will not be present international system minus nuclear weapons. It will be a very different international system and it will be closely related to requirements of enforcement.

For instance, why the stronger sanctions against North Korea are not possible? I think the principal reason is because North Korea holds South Korea as a hostage. And any use of force has to be matched against the consequences of North Korean retaliation. Why more forceful sanctions against Iran up to now have now been taken? I think the principal reason is that Russia and China are much more concerned about the United States from security point of view than about Iran – and also because Iran holds hostage the oil supply. It is its own oil supply to European states and Far East/Asia Pacific states and, secondly, Hormuz Strait from which most of the world's oil comes from. Clearly the future denuclearized world should have no problems of great powers' fearing each other or regional states threatening their neighbors or the world economy. Otherwise, we will never reach a world without nuclear weapons.

Second point is that it's not clear how the international institutions will be organized. Most probably, the United Nations Security Council will be different; most probably the procedures of decision-making in the Security Council in the United Nations and its regional branches will also be different. But it's very difficult to imagine how it will be arranged in the future.

And, third, but certainly not the least important, it's not clear what the nuclear energy will look like, whether the nuclear energy will be internationalized, in particular, nuclear fuel cycle activities, whether GNEP or next generation of nuclear energy will be much safer and will present potential cheaters with much fewer opportunities to cheat. All of these things are not very clear now. And that heavily affects the analysis of enforcement requirements in the future.

Let me comment in a very concise way on some of the problems of enforcement which are, at present, degrading the efficiency of nonproliferation regime and which will have to be resolved, if we are to get to a non-nuclear world or to get closer to a nuclear-free world.

First of all, of course – the weak political position of nuclear-weapon states in enforcing nonproliferation regime stems from their failures in fulfilling their commitment according to Article VI. I would add to that one observation, which is not often discussed: During the '90s, nonproliferation regime achieved great results. More than 40 states joined, including China and France. Several potential nuclear-weapon states either voluntarily gave up nuclear programs or nuclear weapons like South Africa, some were deprived from that by force like Iraq, others negotiated like Ukraine, Kazakhstan and Belarus. There was an indefinite prolongation of the treaty, additional protocol 1997 and a number of other achievements.

All of that was done against the background of historic breakthrough in nuclear disarmament. We started with INF Treaty in '87 and then proceeded through conventional force-reduction treaty, START-1, START-2, START-3 framework, an agreement on delineation between ballistic missile defenses. There were also the chemical weapons convention, CTBT negotiations on fissile material cut-off, negotiations on the protocol on verification to bacteriological weapons convention.

The decay that started in the end of the '90s made most of those achievements in nuclear disarmament a failure. Just look at the picture now. What is left of those achievements of the '90s?

Some treaties were denounced or suspended, some never entered into force, others are under threat of being obrigated – and non-nuclear-weapon states feel cheated on their commitments made in the '90s. That has certainly to be improved and very quickly because the last eight years were wasted for this effort and now we have to work as hard as possible to make up for this gap – and, hopefully, it has already started with agreement between Russia and the United States on the necessity to have START-1 follow-on.

Now, the second important issue is that there are three kinds of double standards which operate in nuclear nonproliferation regime system, institutions and policies. One is that nuclear-weapon states have many other foreign-policy priorities which are sometimes much higher than nonproliferation: economic priorities in exporting nuclear technologies and materials, priorities dealing with their concerns about security (as I mentioned, for instance, in Russia, the highest security priority is NATO extension, American plan of ballistic-missile defense in Europe and not nonproliferation. China has its own priorities before nonproliferation. Cooperating wholeheartedly with nations that are creating your top security problems on the issues of secondary importance is not easy at all.

The second type of double standard is that the attitude towards actual or potential violators of the nonproliferation regime are very heavily shaped by whether they are allies or enemies of the P-5 countries. Obviously the attitude to allies is very different than in partners than to those who are considered to be enemies. I will not give you examples, they are obvious and numerous.

And the third kind of double standard, which also is very seldom discussed is the double standard exiting in policy application to different violators. Look at how we deal with North Korea and with Iran. North Korea was permitted to violate the Nonproliferation Treaty, to threaten withdrawal, then to withdraw, violating Article X provisions, then explode nuclear device. And we are negotiating with it and it is promised a lot of benefits if it agrees to return to Nonproliferation Treaty.

Iran looks at that and makes its own conclusions. And this double standard between the two countries is something which undercuts a policy towards Iran and Iranian violations.

With respect to other issues, I think that it's very important to have efficient combinations of sticks and carrots in order to enforce nonproliferation regime. I do not have time to elaborate in detail; I'll just list them: universalization of Additional Protocol 97 requires cooperation of nuclear-suppliers group that would include provision of ratification of Additional Protocol as a condition for all future deals on nuclear materials and technology.

Article X withdrawal provision: It has to be provided with legal interpretation that would make this withdrawal a very difficult and very well-qualified process, to prevent acts of the type North Korea demonstrated.

For instance, an emergency conference of Non-Proliferation Treaty members has to be convened whenever there is a threat of withdrawal. The case should be transferred immediately to United Nations Security Council, according to Chapter VII of U.N. Charter. Certainly, withdrawal to cover tacit violations and withdrawal to use Non-Proliferation Treaty benefits for military purposes has to be excluded as well. And such stringent withdrawal conditions should be also included into nuclear supplies group deals for all future exports of nuclear materials and technology.

Proliferation security initiative has to be expanded to cover air traffic, to cover land traffic. But certainly it has to be elaborated so that it doesn't contradict international law and so that U.N. Security Council can operationally manage such interdiction operations.

Multilateral nuclear fuel centers – it's a great idea. The problem is in details. In order to provide incentive for the countries to use multinational fuel centers instead of developing their own enrichment and reprocessing – you have to provide them the benefits. And providing them the benefits – in particular economic benefits, will run against market considerations because international market already provides possibility of buying all technologies and materials a country may need. If some states still prefer to develop their national nuclear fuel technologies—then providing the incentives for such countries to buy instead the materials from multinational fuel centers, you have to sell materials or fuel at a discount price. And who will pay the balance?

Now, to finalize what I say, it would be unjust not to address the enforcement problem related to nuclear-weapon states. And here, a lot depends on how we start the process of disarmament, because we can have follow-on to START-1, which will open the way to further reductions and eventually to disarmament—or which will close the way to further reductions and disarmament. In particular, if the reductions are done by relocating a lot of nuclear warheads from missiles and bombers to storage sites, there will emerge a huge reconstitution capability, in particular with the United States. And moving further along this road will be resisted by Russia.

Also, circumventing the strategic and reductions through developing conventional precision-guided counterforce capabilities would also stop this process dead in the water after the first agreement that we may reach by December or shortly after December 2009.

Certainly political enforcement will be important for nuclear weapon states because that will be a link to a nonproliferation regime and that will be a serious deterrence against violating nuclear

disarmament measures. An elaborate system of disarmament and nonproliferation agreements, regimes and treaties would, in and of itself, present a powerful deterrence against violations either by nuclear weapon states or by non-nuclear weapons states. That system was largely dismantled during the previous decade. Now we are facing the task of building it anew and making it much more effective. Thank you.

(Applause.)

MILLER: Thank you very much. I think we've had three excellent presentations that were both on time and to the point. We're scheduled to go until 12:20. There is a session in here at 12:30 so we need to be prompt in sticking to our schedule. We also have the special constraint that Alexei Arbatov has divided loyalties and has another panel on which he has prepared to speak, and so he will be leaving us in a few minutes' time to go and make a brief presentation on another panel. So what I propose is if you have a question directed at Alexei, let me privilege those, and I see Scott Sagan, so go ahead.

Q: Scott Sagan from Stanford University. None of the panelists discussed the issue of rearmament of the nuclear-armed – of the former nuclear-armed states in a disarmed world, and it seems to me that that's the extra element of enforcement, or the flip side of enforcement. The fact that a former nuclear state could rearm much more quickly than other states could be both reassuring to them because they could take the last steps, even with some uncertainty about other enforcement mechanisms, and it would be a deterrent against other states because they know that the nuclear powers could go back to that status more quickly. What are your views on rearmament as an enforcing or not enforcing mechanism or enforcement in a disarmed world?

MILLER: Alexei, do you want to take a crack at that?

ARBATOV: Well, by definition, nuclear weapons states, after they disarm, will have great advantage compared to non-nuclear weapons states, but I think that the way to enforce their not doing that, not going for rearmament would be the recognition that non-nuclear weapon states may violate a nonproliferation regime, in case they do that, once we reestablish the link between Article II, I and Article VI. That would be the major incentive and enforcement for nuclear weapons states, as far as I understand it.

BRIENS: Well, that's an interesting question, but in any case it would take quite some time because even if they would have an advantage they would need still to produce fissile materials for weapons purposes, to have the right people to do the right things, which means also that knowing that if the possibility was there they could also prepare for that. And so it would be a kind of – they would be hedging probably this way, preparing for this possibility. And so the question is, would that be stable or unstable? That is, if one former nuclear weapons state lacks confidence in the others, it could be pretty unstable.

So I don't know to which extent it has to do with the question about, what about the fuel cycle in a nuclear weapons-free world? What amount of constraint should be put on that? But my concern about this – if there is no irreversibility in the process – is that it would be very unstable. So in theory you could think about, you know, slowly former nuclear weapons states reacquiring capabilities, you know, in a controlled manner, but the reality might be very different, might be unstable and lead to disaster, so this is an idea I'm not very comfortable with.

MILLER: Okay, if there is a question for Alexei I would privilege that. Yes? And please identify yourself.

Q: My name is Ed Aguilar. I work with the Project for Nuclear Awareness. And my question for Mr. Arbatov is based on your comment that – you said that violators are treated differently, depending on whether they're friends or foes of members of the P-5 with a veto on the Security Council. So my question is, do you agree with Ambassador Butler's point that you really need a new council, a WMD council, to deal with this issue? Or, if not, how would you get around the problem of a double standard? And for Ambassador Butler I would like – I would love to hear more elaboration how you would set up such a council. Thank you.

ARBATOV: I agree with Ambassador Butler, but I would add to that a couple of other considerations. I think that, foremost, the nuclear weapon states have to remove those security concerns which they may have against each other so that they can put nonproliferation much higher on the list of their security priorities than they can do now. In that case, they may shift to judging whether other countries are friends or enemies, depending on those countries' behavior with respect to nonproliferation rather than the other way around when the behavior of other countries related to nonproliferation is assessed on the basis of whether they are friends or enemies.

Q: And Ambassador Butler?

MILLER: Ambassador, do you want to –

AMB. BUTLER: Just very quickly – I don't differ with Alexei at all. I think he's given a very good answer to your question. But on the other detail of how would such a Council be established, I would like to think that two things would need to occur. First, there would have to be agreement on my basic principle, and Alexei has just reflected on this, that to reach and maintain a world without nuclear weapons is such a special subject that it cannot be the subject of the veto as we have known it. The veto has been systematically abused for over 50 years. If you look at the negotiating record in San Francisco, it was never intended to be used for the purposes for which it has been used some – I think it's now almost 300 times. Principally, during the Cold War, the two main protagonists protected their friends and other states in a way that was never intended.

Now, if it's considered too difficult to change that, or risky, it may be considered that the preservation of the veto in the Security Council as presently constituted does serve some good purposes in maintaining some kind of cooperation amongst those five. Personally I have profound doubts about that but I must keep this answer shorter. If it's considered that that system has some virtues and needs to continue, then we'd have to have an alternative mechanism, and that alternative mechanism should have as its hallmark that it is to deal with the maintenance of international peace and security in a world without nuclear weapons, and that for that purpose, a council specifically tasked to do that job would not be characterized by the existence of vetoes, but another decision-making methodology, probably by two-thirds majority.

And, finally, you asked a question about, how would it be brought into existence? I would have thought that it should be a subject that would be covered in the global conference that President Obama is talking about or whatever other procedure is pursued to strengthen the intrinsic instruments for creating a world without nuclear weapons; but my point has been that, at the same

time, there must be initiated a discussion on the political management of that world. It can't be put at the bottom of the agenda; it has to start right at the beginning.

MILLER: Ward, do you have something for Alexei?

Q (Ward Wilson): Yes, quickly. I'm puzzled. Two of you have advocated or suggested that a world – an international world order after nuclear will be remarkably different from the world order before. I'm not sure I understand why that should be so. If I get a tool and use it for a while and then give it up, it doesn't fundamentally change my character. It seems to me that politics grows out of the human character, and why it is that we expect that nuclear weapons would fundamentally have changed the way people will interact politically – we didn't – for instance, after the Chemical Weapons Convention in 1925, people didn't say, well, everything is going to be different now. There will be an entirely different world order. And when the Biological Weapons Treaty was signed, people didn't say, everything's different now. And so I'm confused.

Ambassador Brooks said that nuclear weapons are not just the physical, actual, practical results of the explosion, that there is this kind of aura around them of magic, and if someone can explain that magic to me I'd be grateful.

(Laughter.)

ARBATOV: That's a very good question. Actually it's a question which is in the center of debates around non-nuclear or a nuclear-free world. I think that everybody would agree that we want to have a nuclear-free world, not in order to have the world free for large conventional wars or wars with the use of weapons based on new physical principles. Whether nuclear deterrence worked or not in the preceding 50 years is a matter of speculation, but the fact is that fortunately the war – the Third World War never happened. And we have to make sure that such a war doesn't happen in a future world without nuclear weapons. This means having very different security relations among big states.

Now, the second point. We are concerned about nuclear proliferation, primarily in several regions. And the incentive to acquire nuclear weapons for countries in the Middle East, Southeast Asia, South Asia, maybe in Latin America, is foremost the fear that at the regional level their security may be jeopardized, either by their neighbors or by great powers. So in order to achieve their cooperation on non-nuclear world and nonproliferation regime, we have to address this problem as well.

That means that the whole structure of the international system as we know it and as it operated not just during the last 50 years, but during the last 2,000 years will have to be changed through making super-national institutions much more influential in providing security for all. Otherwise some big countries and many small countries will never cooperate in moving towards a world free of nuclear weapons. As for chemical weapons conventions, a good example, but I think that a very serious precondition which worked in favor of chemical weapons conventions was the existence of nuclear weapons, which made chemical weapons superfluous and really not so important for security.

MILLER: Do you want to –

(Cross talk.)

AMB. BUTLER: Just very quickly, thank you for what I think is a brilliant question, to which I don't know the answer. (Laughter.) But I think we should all think about the question.

I just want to add to what Alexei has just said, with which, again, I agree. These things, from the Canberra Commission on the Elimination of Nuclear Weapons – and I beg people to internalize this and think about it. The commission stated, one, that as long as nuclear weapons exist, it is inevitable that they will be used, either by decision or by accident, and today I think we could also add by intervention – external intervention such as a hacker getting into the control systems and sending a signal that weapons have been launched. So, one, as long as nuclear weapons exist, it is inevitable that they will be used. Two, any use of them will be a catastrophe, ecologically, politically, morally. And, thirdly, as long as they exist or are held by any party, others will seek to acquire them. That's what we in the commission call the "axiom of proliferation," and proliferation increases the other two things, the possibility that they will be used.

Now, beneath your question is, why? What makes them different? As I said, I'm not quite sure that I know the answer to the question, but I know this: Nuclear weapons are not just a bigger pop gun; they really are qualitatively different in terms of the damage – enduring damage that they can cause. There is credible study available now that shows that before nuclear weapons were used in India and Pakistan, one fired, the other retaliate, another one and then another, and then they decided to stop because a million people were already dead. Nothing would grow in the earth. No crops would grow in the central agricultural districts for five years. That means starvation. Chemical weapons or other conventional weapons don't have that effect.

And I strongly suspect that the answer to your question is that because of this peculiar character of nuclear weapons, that they mystify people; they give the sense that you can be dominant or all-powerful. They convey a certain sense of prestige, of muscularity – some women would say testicularity – (laughter) – that is unique to them. That is presumable an issue that needs to be addressed in addition to – that's your question, as I understand it. It needs to be addressed in the psychology of humankind in addition to the more practical issues that we've been discussing.

MILLER: Very good. Well, we're down to our last 15 minutes so we need to cycle through quickly if I'm going to be able to recognize everyone who's standing. Next. And please identify yourself.

Q: Jessica Varnum from the James Martin Center for Nonproliferation Studies, and my question is with regards to the verification system that would be in place. And you all mentioned the need for an unprecedented level of access and transparency in order to verify at the warhead level, so my question is what the structure of that mechanism should be in terms of its membership, if it should be only nuclear weapons states or also states that do not posses nuclear weapons, because certainly we've seen, on the one hand there's a need in the non-nuclear weapons states for a level of confidence in the credibility of the mechanism. On the other hand, if you look at the CTR example, there is a lot more willingness, I think, on the part of nuclear weapons states to allow that level of access and transparency with other nuclear weapons states than with states that don't have those technologies.

BRIENS: I think one should make a distinction between two phases: the process leading up to zero and zero. The process leading up to zero you would have certainly the same constraints as you have today in terms of nonproliferation when you verify. There are some activities that can be verified by the IAEA, and then some others who prefer not to actually show everything, for obvious reasons. So I guess that would make a difference. And then if and when there are zero nuclear weapons left, I guess what you would verify basically would be dismantled installations, dismantled missiles and weapons, and then probably it could be more open to the broader community. I think there really should be a distinction between the two.

MILLER: I've just been signaled that we're down to our last 10 minutes, so why don't I take a couple of questions at a time so – particularly since the line is still growing. Yes, sir?

Q: Dave Thomson, Los Alamos Committee on Arms Control, for Ambassador Butler. I like your veto-free council. Will you have it also include the function of mutual security for the nations which don't – for all nations?

MILLER: Yes, ma'am?

Q: I'm Patricia Lewis of the Center for –

MILLER: Sorry, Patricia, I couldn't see you.

Q: That's okay, Steve – Center for Nonproliferation Studies. I'm not wearing red; that's the trouble.

Fairness in human society – I think we need to address this issue. Research in a wide range of animal species indicates that wide disparities, for example in access to resources, in status causes huge amounts of stress and decreases the overall health in that society, and yet we as a species seem to want to always organize ourselves with privileged leaders, with those that have, with those that don't have, whether that be within our own societies or internationally. So my question is, how do we address the underlying problem of fairness, unfairness, expectations, resentment in the international order, and would you juxtapose that with the way we seem determined to organize ourselves all the time to increase that disparity, and could we enforce, in fact, a regime with more fairness in it?

MILLER: And, gentlemen, we need brief answers to that modest question.

(Laughter.)

AMB. BUTLER: Well, there are two questions there. On the question of mutual security, we do in fact have a structure under which international relations, relationships among states is conducted that has been around for 60 years now, which I think it's worth recalling to you. And obviously it provides for the assurance of mutual security. And that structure – it almost sounds school-marmish to say this but it's worth recalling – it is the Charter of the United Nations and it's really a breathtakingly simple document. It acknowledges that conflict will take place between states, the main actor in the charter being the sovereign, self-determined, independent nation state. It acknowledges that conflict will take place and says that the fundamental obligation is to settle conflict by peaceful means.

Secondly, it enjoins States to cooperate. If it has one truly basic obligation, it is that states must seek to cooperate with each other. And as it starts with the words, "In order to save succeeding generations from the scourge of war" The Charter makes clear that one of the highest duties of states is actually to seek peace.

Now, what we're talking about here today is a new world, and I think all on this table are agreed that it would be a very different world from the one we've lived in, in the past, and I think because nuclear weapons are so special, if we are eliminating those weapons, that would be a good enough reason to create a new world. That world, I suspect, shouldn't operate on any other basis than what you find in the Charter: cooperation, mutual security and so on. What the problem has been is not that the Charter itself is wrong but the people have systematically failed to behave in conformity with it. In a nuclear weapons-free world, I would suspect that might be easier.

Patricia Lewis's question about fairness is much more complicated. I'm a great fan of the late, great John Rawls, the philosopher at Harvard University who wrote the book on justice. He described justice as fairness. I don't like human nature arguments very much at all. I think they're greatly overused, especially by people like the National Rifle Association who say that it's in human nature to carry a gun. (Laughter.) But I do think that that are some basic considerations. The existence of greed seems fairly permanent, as we've seen recently. But my favorite is fairness, and I think John Rawls was right; I think fairness is elemental. Human beings will not tolerate systemic discrimination. That's not to say that there aren't differences, rich and poor, you know, other differences amongst people, but human beings, as Patricia has pointed out, will not tolerate systemic, structural unfairness.

The NPT is given a bit to unfairness, and it's one of the problems that it's had, and if we're to manage a world without nuclear weapons, it has to be a far fairer world than it has been up until now.

MILLER: Very good, we're down to our last five minutes. I think we possibly have room for two more questions if we can get brief answers. And, Diane, since you were waiting, if you want to go back to the mike you would be the second one. Okay.

Yes, sir?

Q: Ed Lyman from the Union of Concerned Scientists. On the verification question, in addition to having to verify dismantlement in nuclear weapons states, you're also going to need a verification system for fuel cycle facilities, both in nuclear weapons and non-nuclear weapons states that has a much higher – much lower tolerance for anomalies than the current system because in a nuclear weapons-free world you can't tolerate an anomaly of a dozen significant quantities that persist for several years.

So I'm a little – not quite sure what you mean that the verification system today is fine; we just need better enforcement, because the link – how do you determine whether an anomaly is worthy of the escalation? So that's my question.

MILLER: If you can both be quick I'll take the last two people, with a very short question, please.

Q: All right, I'll try. Diane Perlman. I'm with Psychologists for Social Responsibility and George Mason University Institute for Conflict Analysis and Resolution. Given the axiom that you just mentioned – I mean, nuclear – we're having sort of a civil discussion about something that's really absurd and insane and irrational in lots of ways, and it seems sometimes that nuclear weapons have a life of their own and we're at the effect of them. And the idea of enforcing a world without nuclear weapons, we're focusing on sort of an external control and a world of enemies. And there is a concept of first-order change dealing with the symptom and second-order change, dealing with the underlying relationship and the system, that we do a lot better focusing on the, say, enmity than the enemies, and focusing the energy and resources on transforming our relationships.

So, for example, with Iran, the idea we must not let them have nuclear weapons, and pressure and carrots and sticks is likely to break down and provoke defiance and humiliation whereas something more like the "grand bargain," if we put energy into transforming our –

MILLER: Ma'am, we're about to get the hook so you need to get to your question.

Q: Okay, well, just could you comment on that? I think we need a policy of mutually assured survival.

MILLER: And one sentence, please.

Q: Clark Cully, National Nuclear Security Administration. Can nuclear disarmament proceed so far apace of broader conventional disarmament?

MILLER: Why don't you each take one minute each to – we have two minutes, more or less.

BRIENS: Okay, so on the last question, I think that a world without nuclear weapons is a world without nuclear deterrence, and countries being countries with national interests, they would look for conventional – at least conventional balance. So the risk would be then, without these nuclear equalizers, to have countries increasing their conventional arsenals. And so the question will be – I mean, if we want to have a stable world – I mean, the question, as seen from a state perspective, is how do we make sure we go from a stable order today to another stable order tomorrow in which peace and security will be maintained? And so I tend to think that having an elimination of nuclear weapons without having at least some serious conventional arms control mechanism would be extremely difficult and probably unstable.

On the other issues, I mean, verification – I mean, the question is – I mean, we can design all kinds of very subtle and delicate verification instruments. Today we don't have a lack of verification instruments to deal with proliferation issues. The problem is not that. The problem is just the will to use them. Again, in the chemical convention area we have this challenge inspection, in the IAEA we have special inspections, but they have never been used once. So the question won't be about designing this comprehensive verification system; it will really be about the willingness to enforce them and so to draw consequences from noncompliance.

AMB. BUTLER: Our time is up. My answer to the question is, yes, it can proceed without conventional disarmament. We have vastly too many nuclear weapons in the world, and it is inevitable, by accident or design, that they'll be used, and that's intolerable.

On the psychological question, again, like the previous one, it's very, very complex, but can I end by saying that one of my favorite jokes is the one that says, just because you know you're paranoid it doesn't mean they're still not trying to get you. (Laughter.) People have got to stop thinking that way about nuclear weapons. Thanks.

MILLER: Ladies and gentlemen – (applause) – thank you very much. I think it's not often that we walk out of a session having heard a memorable coinage, but it seems to me that we can all carry away from here the notion of testicularity – (laughter) – as a distinctive feature of the nuclear age. Thanks to an excellent panel.

(END)